

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|--------------|
| THOMAS BONNER | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| MONTGOMERY COUNTY, ET AL. | : | NO. 10-2055 |

ORDER

AND NOW, this 28th day of March, 2011, upon consideration of Defendant Montgomery County District Attorney Risa Vetri Ferman's Motion to Dismiss (Docket No. 8), and Ferman's Memorandum of Law in support thereof (Docket No. 13), and Plaintiff's response thereto, and after a hearing with the parties on March 17, 2011, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **DENIED IN PART, GRANTED IN PART** and **DISMISSED AS MOOT IN PART** as follows:

1. The Motion is **DENIED** insofar as it seeks dismissal of the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1).
2. The Motion is **GRANTED** insofar as it seeks dismissal of the substantive due process claim pursuant to Fed. R. Civ. P. 12(b)(6), and that claim is **DISMISSED**.
2. The Motion is **DISMISSED AS MOOT** insofar as it seeks dismissal of the First Amendment and procedural due process claims pursuant to Fed. R. Civ. P. 12(b)(6), and those claims are **WITHDRAWN**.

3. **JUDGMENT IS ENTERED** in favor of Defendant Montgomery County District Attorney Risa Vetri Ferman and against Plaintiff.
4. The Clerk of Court shall close this case.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.